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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,283	05/22/2000	Christopher P. Bergh	10844-002001	1521

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BOSTON, MA 02110

EXAMINER

STIMPAK, JOHNNA

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,283

Applicant(s)

BERGH ET AL.

Examiner

Johnna R Stimpak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- SMO 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a first Office Action upon examination of application number 09/575,283. Claims 1-25 are pending and have been examined on the merits discussed below.

Specification

2. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Drawings

4. The drawings are objected to because the ink, type of paper, margins, line definition, and numbers do not comply with the Draftspersons review. Please see the attached Draftsperson's Review. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-25** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Anderson et al**, U.S. Patent Number 6,078,892.

As per **claim 1**, Anderson et al teaches configuring lead processing system including accepting a specification of a plurality of users of the system (column 2, lines 54-59 – the agent submits preferences of the type of customer requested), and accepting specifications of a plurality of rules that includes a set of global rules and for at least some of the users of the system distinct sets of rules associated with each of said users (column 2, lines 54-59 – the agent specifies the set of preferences which correspond to a type of customer the agent would like to solicit; column 3, lines 17-25 – once the preferences are set, they are used to filter through the customer information); and routing leads through the system including accepting a first lead at the lead processing system, including accepting values for each of a plurality of data fields associated with said lead (column 3, lines 17-39 – the agent selects the customer lead he would like to pursue based on the matching of customer information and preferences set by the agent; column 7 – customer descriptive information is used to match the agent with the appropriate customer to pursue, this can be based on location, age, sex, type of business, etc.). Anderson et al does not explicitly teach automatically applying one or more of a first set of rules which are associated with the selected first user to the first lead, including applying a routing rule to said

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lead such that a second user is selected to receive said lead that includes a plurality of data fields, and notifying the selected second user of said lead, including providing values of one or more of the data fields. While Anderson et al does not explicitly teach applying a routing rule such that a second user is selected, it would have been obvious to one of ordinary skill that the customer leads not selected would be routed back through the system or left in the system for selection by the next agent. This would be beneficial for the agent in that the lead would stay within the system for selection as opposed to not being selected and discarded from the system. This would cut down the time it would take to distribute customer leads through the system to each of the agents.

As per **claim 2**, Anderson et al teaches routing the leads through the system further includes receiving a response from the second user related to the disposition of the lead (column 8, lines 49-67 – when the user accepts the lead, the additional customer information which was previously withheld is output). Anderson et al does not explicitly teach a second user being involved in the process. However, it would have been obvious to one of ordinary skill that the customer leads not selected would be routed back through the system or left in the system for selection by the next (second) agent. This would be beneficial for the agent in that the lead would stay within the system for selection as opposed to not being selected and discarded from the system. This would cut down the time it would take to distribute customer leads through the system to each of the agents.

As per **claim 3**, Anderson et al teaches receiving a response from the user includes receiving an acceptance of the lead (column 8, lines 49-67 – when the user accepts the lead, the additional customer information which was previously withheld is output). Anderson et al does

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not explicitly teach a second user being involved in the process. However, it would have been obvious to one of ordinary skill that the customer leads not selected would be routed back through the system or left in the system for selection by the next (second) agent. This would be beneficial for the agent in that the lead would stay within the system for selection as opposed to not being selected and discarded from the system. This would cut down the time it would take to distribute customer leads through the system to each of the agents.

As per **claim 4**, Anderson et al teaches notifying the user of the lead includes withholding values of one or more data fields associated with the lead from the second user, and wherein routing the leads further includes, after receiving the acceptance of the lead, providing the withheld values (column 8, lines 49-67 and column 9, lines 1-5 – the initial customer information is output with a minimum amount of information, once the customer is selected, the additional information is output). Anderson et al does not explicitly teach a second user being involved in the process. However, it would have been obvious to one of ordinary skill that the customer leads not selected would be routed back through the system or left in the system for selection by the next (second) agent. This would be beneficial for the agent in that the lead would stay within the system for selection as opposed to not being selected and discarded from the system. This would cut down the time it would take to distribute customer leads through the system to each of the agents.

As per **claim 5**, Anderson et al teaches the user selecting (or not selecting) to pursue the customer lead. Anderson et al does not specifically teach routing the leads through the system further includes automatically re-routing the lead to another of the users of the system. While Anderson et al does not explicitly teach routing the lead to another user upon rejection of the

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lead, it would have been obvious to one of ordinary skill that the customer leads not selected would be routed back through the system or left in the system for selection by the next agent. This would be beneficial for the agent in that the lead would stay within the system for selection as opposed to not being selected and discarded from the system. This would cut down the time it would take to distribute customer leads through the system to each of the agents.

As per **claim 6**, Anderson et al teaches routing the leads through the system further includes after expiration of a time interval automatically re-routing the lead to another of the users (column 8, lines 1-6 – the user can specify a time restraint such that only a specific number of leads are output from the search). Anderson et al does not explicitly teach the second user accepting or rejecting the lead and doesn't explicitly teach the lead being re-routed to another user after acceptance or rejection. It would have been obvious to one of ordinary skill in the art to one of ordinary skill that the customer leads not selected would be routed back through the system or left in the system for selection by the next agent. This would be beneficial for the agent in that the lead would stay within the system for selection as opposed to not being selected and discarded from the system. This would cut down the time it would take to distribute customer leads through the system to each of the agents.

As per **claim 7**, Anderson et al teaches routing leads through the system further includes routing each of a plurality of leads through the system resulting in different users being notified of different of the leads (column 3, lines 8-50 – each user of the system specifies a search request depending on the types of leads he wants to pursue, in response to the search, the matching leads are routing to him, therefore, the users (agents), all with different search requirements will be notified of different leads).

As per **claim 8**, Anderson et al teaches accepting the specifications of the rules includes accepting a specification of the set of global rules from an administrator of the system and accepting a specification of a set of rules associated with a first user from the first user who is different than the administrator of the system, whereby configuring the system is decentralized (column 4, lines 10-30 – the customer records are stored and scored based on customer data and arranged by score prior to the user defining his search request. The scoring is performed by someone or something other than the user since the information is collected, but only parts of the information are available for viewing by the user until after he specifies acceptance of the lead).

As per **claim 9**, Anderson et al teaches accepting the lead includes accepting an electronic communication initiated by a potential customer, wherein the electronic communication includes at least some of the values of data fields associated with the lead (column 6, lines 47-67 and column 8, lines 49-67 - the customer initially reveals his or her information for input into the system wherein only part of the customer information is communicated to the agent until after the agent selects the customer lead. Then the rest of the customer information is revealed).

As per **claim 10**, Anderson et al teaches the communication of customer leads takes place over a network of computers connected by one of several methods (column 12, lines 5-14 and 23-34 – communication of the leads occurs over a network of computers connected by one of several methods). Anderson et al does not explicitly teach the communication is an electric mail message. Given the fact the Anderson et al's system is carried out over a networked computer system, it would have been obvious to one of ordinary skill in the art to communicate

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information through and electric mail message. Using e-mail is beneficial to users because it is much faster and more accurate than other methods of communicating information.

As per **claim 11**, Anderson et al teaches routing the first lead further includes applying a prioritization rule including deriving a priority value for the lead from values of one of more data fields associated with said lead (column 5, lines 3-19, lines 45-55 – the customer information is scored and arranged by score so that the records having the highest score and thus are the most relevant appear first).

As per **claim 12**, Anderson et al teaches deriving the priority value includes computing a weighted combination of the values of the one or more data fields (column 7, lines 27-52 – the customer information is used to determine whether a customer would be likely to purchase products, using information such as age, sex, location, etc., it is determined the percent or score showing how likely he or she would be to indicate interest in the product. As can be seen in figure 4, customer 1 would have a higher probability of being interested in product A, based on his or her information).

As per **claim 13**, Anderson et al teaches deriving the priority value includes matching the values of the one or more data fields with a record in a data value and retrieving the priority value from the record (column 7, lines 27-52 – the customer information is used to determine whether a customer would be likely to purchase products, using information such as age, sex, location, etc., it is determined the percent or score showing how likely he or she would be to indicate interest in the product. As can be seen in figure 4, customer 1 would have a higher probability of being interested in product A, based on his or her information).

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As per **claim 14**, Anderson et al teaches routing the leads further includes augmenting the lead including identifying information related to the lead (column 7, lines 27-65 – information such as type of business, customer demographics, product information, etc., is included).

As per **claim 15**, Anderson et al teaches identifying information related to the lead includes accessing information about a company related to the lead (column 7, lines 53-65 – customer lead information includes the type of business).

As per **claim 16**, Anderson et al teaches identifying information related to the lead includes providing product information related to the lead (column 7, lines 27-52 – when matching the customer lead with an agent, the product information is taken into account).

As per **claim 17**, Anderson et al teaches identifying information related to lead includes providing sales material related to the lead (column 7, lines 27-65 – useful information regarding whether a sale might be possible is included in the lead, as the example states if the product is a skateboard, there are specific customers who would be more inclined to make the purchase).

As per **claim 18**, it is the software stored on a computer readable media for performing the method of claim 1 therefore the same rejection applied to claim 1 also applied to claim 18.

As per claims **19-21**, they are directed to the system for performing the routing methods of claims 1-17. Anderson et al's system takes place in a networked computer system that inherently would include storage, servers, an engine to sort the leads, and a communication channel, therefore the same rejections apply.

As per **claims 22-25**, they are directed to the system for performing the process of the method of claims 1-17. Anderson et al's system takes place over a networked computer system

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that inherently would include storage, servers, communication channels, etc., therefore the same rejections applied to claims 1-17 also apply to claims 22-25.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bunting et al. – US 6,134,530 – directed to a rule based routing system and method for a virtual sales and service center.

“Microsoft Announces Internet Lead Management Platform” – from www.microsoft.com

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Johnna Stimpak** whose telephone number is **703-305-4566**. The examiner can normally be reached Monday through Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz**, can be reached on **703-305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

703-305-7687

[Official communications; including
After Final communications labeled
"Box AF"]

703-746-3956

[Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor.

JS
9/26/2003

Susanna Diaz
Susanna Diaz
Primary Examiner
A.U. 3623